

ORDINANCE NO. 501

AN ORDINANCE authorizing the Washington and Old Dominion Railway Company, a corporation, to construct, maintain and use two railroad spur tracks over and across Swann Avenue in the City of Alexandria, Virginia and to construct, maintain and use an underground switch box in said public street.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA:

Section 1. That the Washington and Old Dominion Railway Company, a corporation, be and it hereby is authorized to construct, maintain and use two railroad spur tracks of standard gage across and over Swann Avenue one of the public streets in the City of Alexandria, Virginia. The first of said tracks shall begin with its center line at a point in the southerly line of Swann Avenue, Alexandria, Virginia, said point lying N. 82° 57' 08" E. 16.4 feet from the westerly line of the Oakville Tract, said point also lying in the center line of a railroad track 33.8 feet in a northerly direction from the point of switch for a No. 10 frog, said point also lying 22.3 feet in a southerly direction from the point of said No. 10 frog, and running thence across said Swann Avenue in a northerly direction along the arc of a curve to the right whose radius is 350 feet to a point in the northerly line of said Swann Avenue, said point lying N. 82° 57' 08" E. 26.0 feet from the westerly line of said Oakville Tract, said point also lying in the center line of a railroad track 17.9 feet in a northerly direction from the point of switch for a No. 6 frog, said point also lying 24.1 feet in a southerly direction from the point of said No 6 frog. The second track shall begin with its center line at a point in the northerly line of Swann Avenue, Alexandria, Virginia, said point lying N. 82° 57' 08" E. 24.7 feet from the westerly line of the Oakville Tract and running thence with the center line of a railroad track S. 1° E. 17.7 feet to the point of switch for a No. 6 frog, said point of switch lying in the right of way of Swann Avenue. The point of beginning is further described as lying 24.4 feet in a southerly direction from the point of said No. 6 frog. Said corporation is also hereby authorized to construct, maintain and use an underground switch box in connection with said two spur tracks.

Section 2. That before any work is started on the construction of said spur tracks hereinbefore mentioned or before the City street is used under authority hereby granted, plans, profile and specifications for the grading and alignment of said tracks shall be first submitted to and approved by the City Engineer. All space between rails of said spur tracks, and all space within two feet outside of each rail as well as all space between the first track described in Section 1 hereof and a spur track to the east thereof shall be paved with concrete. Such concrete shall extend two inches at least below the ties, and it shall be brought up to uniform grade. Construction, grading, necessary drainage, paving, repair of curbs at the side of the street, and all other work shall be done at the cost of the cor-

poration and under the supervision of the City Engineer, and such work shall be done in a manner which will leave the streets always safe and in proper condition for vehicular and pedestrian traffic. The top of such spacer bars as are necessary shall be covered with iron or steel and shall be built so that the top thereof shall be flush with the surface of the street. The underground switch box shall be covered with iron or steel and the top thereof shall be flush with the surface of the street.

Section 3. That the Washington and Old Dominion Railway Company shall keep such spur tracks and the street area between the rails and two feet on each side thereof, also the space between the first track described in Section 1 hereof and an existing spur track to the east, in good repair and in safe condition so long as the spur track remains in or across the street. The cover of said underground switch box shall be locked at all times when not in use. It shall be unlawful and constitute a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00 to cause or allow cars or locomotives to stand on the rails of either of said spur tracks in said street area. It shall be unlawful and constitute a misdemeanor punishable by a like fine for said corporation or any employee thereof to cause, allow or permit said underground switch box to remain unlocked while not in use. Use of the street by said corporation pursuant to the privilege hereby granted shall be considered an agreement by the corporation to save the City of Alexandria harmless from any liability by reason of the construction, use or maintenance of said spur tracks and underground switch box.

Section 4. That the special privilege to use the street of the city herein granted shall be considered a limited and concurrent right, and the same shall in no manner be considered a right in perpetuity, and the City of Alexandria may require the removal of either or both of said tracks and said underground switch box and terminate said privilege or any part thereof upon 60 days' notice. Upon abandonment of said spur tracks or either of them or upon abandonment of said underground switch box or upon termination of said privilege, the corporation shall at its own expense remove the same and return the street to a safe and proper condition and pave the disturbed part of the street in like manner as the remainder of the street is paved at the time of removal.

Section 5. That this ordinance shall take effect immediately upon its passage.